

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON BUSINESS AND LABOR**

**Call to Order:** By **CHAIRMAN JOE MCKENNEY**, on March 13, 2003 at 8:00 A.M., in Room 172 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Joe McKenney, Chairman (R)  
Rep. Jim Keane, Vice Chairman (D)  
Rep. Donald Steinbeisser, Vice Chairman (R)  
Rep. Bob Bergren (D)  
Rep. Rod Bitney (R)  
Rep. Sylvia Bookout-Reinicke (R)  
Rep. Nancy Fritz (D)  
Rep. Dave Gallik (D)  
Rep. Kathleen Galvin-Halcro (D)  
Rep. Ray Hawk (R)  
Rep. Bob Lawson (R)  
Rep. Rick Maedje (R)  
Rep. Gary Matthews (D)  
Rep. Scott Mendenhall (R)  
Rep. Penny Morgan (R)  
Rep. Allen Rome (R)  
Rep. Sandy Weiss (D)  
Rep. Bill Wilson (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Bart Campbell, Legislative Branch  
Alberta Strachan, Committee Secretary

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing & Date Posted: SB 108 (3/10/03); SB 109 (3/10/03)  
SB 190 (3/10/03)

Executive Action: SB 108 Be Concurred In; SB 190 Be  
Concurred In; SB 109 Be Concurred  
In As Amended

**HEARING ON SB 108**

**Sponsor:** SEN. WALTER L. McNUTT, SD 50, Sidney

**Opening Statement by Sponsor:**

**SEN. McNUTT** said this bill revised workers' compensation laws. It clarifies that insurance requirements apply only to workers in the state and reduces the length of the independent contractor exemption from three years to two years. It also requires the Department of Labor & Industry to maintain a three-month administrative cost balance in the Uninsured Employers' Fund and provides a \$200 penalty for uninsured employers who fail to obtain insurance within 30 days after notice of the requirement to obtain workers' compensation insurance.

**{Tape: 1; Side: A; Approx. Time Counter: 24 - 32}**

**Proponents' Testimony:**

**Kevin Braun, Department of Labor & Industry**, said he supported the bill and explained the changes in the bill.

**{Tape: 1; Side: A; Approx. Time Counter: 32 - 78}**

**Jerry Keck, Administrator, Employment Relations Division, Department of Labor & Industry**, provided written testimony.

**EXHIBIT** (buh53a01)

**{Tape: 1; Side: A; Approx. Time Counter: 78 - 171}**

**George Wood, Executive Secretary, Montana Self Insurers Association**, said before drafting this bill, the Department of Labor contacted the Association for their opinions. There were some time-frame problems which were considered and remedied.

**{Tape: 1; Side: A; Approx. Time Counter: 171 - 192}**

**Nancy Butler, Montana State Fund**, said they supported this bill and concur with Mr. Wood's comments.

**{Tape: 1; Side: A; Approx. Time Counter: 192 - 194}**

**Jacqueline Lenmark, American Insurance Association**, said they supported this bill.

**{Tape: 1; Side: A; Approx. Time Counter: 194 - 202}**

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

**REP. BOOKOUT-REINICKE** asked Mr. Keck about the three-year to two-year reduction change for independent contractors. **Mr. Keck** said many of the people who are registered construction contractors automatically receive an independent contractor exemption when they apply for a construction contract. The three-year and two-year contract would be coordinated.

***{Tape: 1; Side: A; Approx. Time Counter: 207 - 258}***

**REP. MORGAN** asked Mr. Keck about the changes in fees. **Mr. Keck** stated the three-year contract would be \$17.00 and the two-year contract would be \$12.50.

***{Tape: 1; Side: A; Approx. Time Counter: 258 - 300}***

**Closing by Sponsor:**

The sponsor closed.

***{Tape: 1; Side: A; Approx. Time Counter: 275 - 305}***

**REP. STEINBEISSER** chaired the Committee.

**HEARING ON SB 109**

**Sponsor:** SEN. WALTER McNUTT, SD 50, Sidney

**Opening Statement by Sponsor:**

**SEN. McNUTT** said this bill would revise professional and occupational licensing laws by adding a pharmacy technician to the Board of Pharmacy.

***{Tape: 1; Side: A; Approx. Time Counter: 305 - 318}***

**Proponents' Testimony:**

**Jim Brown, Business Standards Division, Department of Labor & Industry**, explained the changes in the bill with regard to various professions. He also presented written testimony regarding each section change.

**EXHIBIT (buh53a02)**

***{Tape: 1; Side: A; Approx. Time Counter: 318 - Tape: 1; Side: B; Approx. Time Counter: 22}***

**Jim Smith, Montana Pharmacy Association**, said they supported the bill particularly the section relating to a pharmacy technician to the Board of Pharmacy.

**{Tape: 1; Side: B; Approx. Time Counter: 22 - 40}**

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

**REP. BOOKOUT-REINICKE** asked Mr. Brown about his testimony regarding denturists. **Mr. Brown** said when denturists became a part of the Board of Dentistry there were startup fees for licensing of denturists. Those fees are now adopted by administrative rule.

**{Tape: 1; Side: B; Approx. Time Counter: 40 - 57}**

**REP. MORGAN** asked Mr. Brown about the term "good moral character" regarding denturists. **Mr. Brown** said that term is referenced in all of the professions.

**{Tape: 1; Side: B; Approx. Time Counter: 57 - 90}**

**Closing by Sponsor:**

The sponsor closed.

**{Tape: 1; Side: B; Approx. Time Counter: 90 - 100}**

**HEARING ON SB 190**

**Sponsor:** SEN. JOHN BOHLINGER, SD 7, Billings

**Opening Statement by Sponsor:**

**SEN. BOHLINGER** said this bill established criteria for when a licensed dental hygienist may provide dental hygiene preventative services without the prior authorization or presence of a licensed dentist. It also defines "public health facility" and "public health supervision." This bill also requires the Board of Dentistry to adopt rules defining the qualifications necessary to obtain a limited-access permit and guidelines.

**{Tape: 1; Side: B; Approx. Time Counter: 100 - 260}**

**Proponents' Testimony:**

**Sue Fisk, President, Montana Dental Hygienists Association**, said every attempt has been made to address the public safety

concerns. This bill would allow the Board of Dentistry to create reasonable rules to allow the dental hygienists the ability to provide preventative oral healthcare services where they are needed.

**{Tape: 1; Side: B; Approx. Time Counter: 260 - 286}**

**Judy Harbecht, Montana Dental Hygienists Association**, provided testimony in support of this bill.

**EXHIBIT (buh53a03)**

**{Tape: 1; Side: B; Approx. Time Counter: 286 - 408}**

**Christie Hill Larson, Head Start Programs of Montana**, said they supported anything that would help assist parents with the oral healthcare of their children.

**{Tape: 1; Side: B; Approx. Time Counter: 408 - 424}**

**Steve Yaekel, Montana Council for Maternal and Child Health**, said there was a dental access crisis in Montana. Dental access is a very serious problem.

**{Tape: 1; Side: B; Approx. Time Counter: 424 - 454}**

**Janet Thomas, retired dental hygienist**, said nursing home patients are not being cared for regarding dental oral care. This is not a reflection on the nursing home staff. These people are being missed.

**{Tape: 1; Side: B; Approx. Time Counter: 454 - 500}**

**John Hein, Montana Primary Care Association**, said they supported this bill.

**{Tape: 2; Side: A; Approx. Time Counter: 1 - 13}**

**Mary McCue, Executive Director, Montana Dental Association**, said if the Dental Association had seen the bill before it was introduced, there would not have been the "turf battle." The Board of Dentistry, through rules to develop protocols under which the hygienists will be able to do this kind of work, will be beneficial. The bill does give hygienists more latitude to perform more services.

**{Tape: 2; Side: A; Approx. Time Counter: 13 - 34}**

**REP. BILL THOMAS, HD 93, Hobson**, said the nursing home facilities need to see the necessity for this kind of service for their patients. The theory is "how will the people of Montana be best served." This bill greatly expands the field of opportunity for hygienists.

**{Tape: 2; Side: A; Approx. Time Counter: 34 - 80}**

**Opponents' Testimony:** None

**Informational Testimony:**

**Jim Brown, Administrator, Business Standards Division, Department of Labor & Industry,** indicated he was there to answer questions.

**Connie S. Jacques, Montana Dental Hygienists Association,** provided written testimony.

**EXHIBIT (buh53a04)**

**Questions from Committee Members and Responses:**

**REP. MORGAN** asked Ms. McCue why "schools" had been crossed out in the bill. **Ms. McCue** said hygienists, under the law, are permitted to care for schools already. They can go anywhere and give instruction. The current bill now indicates that any public health facilities and programs identified by the Board may have services performed by hygienists.

**{Tape: 2; Side: A; Approx. Time Counter: 95 - 149}**

**REP. MATTHEWS** asked Ms. McCue about the language referring to juvenile facilities and the Department of Corrections not being listed on this bill, as able to receive services. **Ms. McCue** said the dentist from Montana State Prison indicated having hygienists unsupervised, working in the prison, was not permitted. She also said the Dental Association would not be opposed to letting hygienists work in detention centers. That is not an issue.

**{Tape: 2; Side: A; Approx. Time Counter: 149 - 170}**

**REP. BOOKOUT-REINICKE** asked Ms. Harbrecht about some medical terminology she did not understand.

**{Tape: 2; Side: A; Approx. Time Counter: 170 - 187}**

**REP. MAEDJE** asked Ms. Fisk if facilities would be inspected. **Ms. Fisk** said in rule-making with the Board of Dentistry, the hygienist would be working under her own professional conduct with her own knowledge.

**{Tape: 2; Side: A; Approx. Time Counter: 187 - 241}**

**REP. BITNEY** asked Mr. Harbrecht about the crossover on supervision. **Ms. Harbrecht** said hygienists are very prepared to perform the functions outlined in the rules.

**{Tape: 2; Side: A; Approx. Time Counter: 241 - 350}**

**REP. WEISS** asked Ms. Harbrecht if nursing home patients were screened prior to a hygienist performing oral health care on them. **Ms. Harbrecht** said medical histories are very extensive in

nursing homes. Dental hygienists are very well versed in reading medical histories.

**{Tape: 2; Side: A; Approx. Time Counter: 350 - 376}**

**REP. BERGREN** asked **REP. THOMAS** if the hygienist was informed who they were permitted to treat and who they were not permitted to treat. **REP. THOMAS** said the rule-making authority was very evident in how the hygienist is involved in treatment.

**{Tape: 2; Side: A; Approx. Time Counter: 376 - 447}**

**REP. MAEDJE** asked **REP. BOHLINGER** about amendments. **REP. BOHLINGER** said, "No."

**Closing by Sponsor:**

The sponsor closed and indicated **REP. SCHRUMPF** would carry the bill on the House Floor.

**EXECUTIVE ACTION ON SB 108**

**Motion/Vote:** **REP. MORGAN** moved that SB 108 BE CONCURRED IN. Motion carried 18-0.

**Motion:** **REP. MORGAN** moved SB 108 BE PLACED ON THE CONSENT CALENDAR. **REP. BOOKOUT-REINICKE** objected.

**REP. MATTHEWS** will carry the bill on the House Floor.

**EXECUTIVE ACTION ON SB 109**

**Motion:** **REP. STEINBEISSER** moved that SB 109 BE CONCURRED IN.

**Motion/Vote:** **REP. MORGAN** moved that SB 109 BE AMENDED. Motion carried 18-0.

**EXHIBIT** (buh53a05)

**Motion/Vote:** **REP. MORGAN** moved that SB 109 BE CONCURRED IN AS AMENDED. Motion carried 18-0.

**REP. HAWK** will carry the bill on the House Floor.

**EXECUTIVE ACTION ON SB 190**

**Motion/Vote:** REP. MORGAN moved that SB 190 BE CONCURRED IN.  
Motion carried 18-0.

REP. SCHRUMPF will carry the bill on the House Floor.



**ADJOURNMENT**

Adjournment: 10:00 A.M.

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REP. JOE MCKENNEY, Chairman

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ALBERTA STRACHAN, Secretary

JM/AS

**EXHIBIT** (buh53aad)